



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,674	07/14/2003	Tsuncyoshi Takagi	1232-4472US1	4118
27123 7590 01/04/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/617,674		TAKAGI ET AL.	
	Examiner		Art Unit	
	Gevell Selby		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09159866.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 38-42 and 61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims regarding “a computer program product” or “a recording medium including program code” are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. The following is a suggested preamble:

“a computer readable medium having encoded (or stored) thereon a computer program comprising a set of instructions when executed by a computer to implement a method for processing by a client device of an image sensing system, the method comprising the steps of:”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2622

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 33-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Okauchi, US 5,907,353.

In regard to claim 33, Okauchi, US 5,907,353, discloses a control method of controlling to adjust a parameter of a camera apparatus in accordance with a detection area in an image sensed by the camera apparatus, comprising:

detecting a specification of the camera apparatus (see column 7, lines 19-39: a specification is detected to determine the object size);

controlling to superimpose a frame indicating the detection area or divided area on an image sensed by the camera apparatus in accordance with the specification of the camera apparatus (see column 9, line 21-40: the detection areas are shifted to superimpose the areas to create a combined image) referring to a storage device which stores information about each specification of a plurality of detection areas (see column 9, lines 39-45).

In regard to claim 34, Okauchi, US 5,907,353, discloses a control method according to claim 33, further comprising outputting a command to shift the detection area and the position of the frame corresponding to the shifted detection area in response to user instructions (see column 9, lines 21-51).

In regard to claim 35, Okauchi, US 5,907,353, discloses the control method of claim 33, further comprising displaying the image in which the frame is superimposed on the sensed image on a display (see column 6, lines 57-65).

In regard to claim 36, Okauchi, US 5,907,353, discloses the control method of claim 33, wherein the parameter is used for automatically adjusting at least one of a focal point and an exposure based on the image signal of the detection area (see column 10, lines 24-46: the focal point changes with different divisions).

In regard to claim 37, Okauchi, US 5,907,353, discloses the control method of claim 33, wherein said controlling to superimpose a frame is executed in a camera control apparatus (see figure 1, element 30) which has the storage device (see figure 1, element 32 and 40), and the camera control apparatus is connected to the camera apparatus (see figure 1, elements 22-25 and 34), via predetermined communication medium (see figure 1: data lines).

In regard to claim 38, Okauchi, US 5,907,353, discloses the method of claim 33, as described above, which is considered substantively equivalent to claim 33. However, the claim terminology includes the phrases that "program codes" are used to operate the system. It is inherent the system control processor (30) of Okauchi would include a computer program code, in order to control the operation system.

In regard to claim 39, Okauchi, US 5,907,353, discloses the computer program product according the claim 38, further comprising code for outputting a command to shift the detection area and the position of the frame corresponding to the shifted detection area in response to user instructions (see column 9, lines 21-51).

In regard to claim 40, Okauchi, US 5,907,353, discloses the computer program product according the claim 38, further comprising code for displaying the image in

which the frame is superimposed on the sensed image on a display (see column 6, lines 57-65).

In regard to claim 41, Okauchi, US 5,907,353, discloses the computer program product according the claim 38, wherein the parameter is used for automatically adjusting at least one of a focal point and an exposure based on the image signal of the detection area (see column 10, lines 24-46: the focal point changes with different divisions).

In regard to claim 42, Okauchi, US 5,907,353, discloses the computer program product according the claim 38, wherein said controlling to superimpose a frame is executed in a camera control apparatus (see figure 1, element 30) which has the storage device (see figure 1, element 32 and 40), and the camera control apparatus is connected to the camera apparatus (see figure 1, elements 22-25 and 34), via predetermined communication medium (see figure 1: data lines).

In regard to claim 43 Okauchi, US 5,907,353, discloses camera control apparatus for controlling to adjust a parameter of a camera apparatus in accordance with a detection area in an image sensed by said camera apparatus comprising:

- a communicating device (see figure 1, element 30) for detecting a specification of the camera apparatus (see column 7, lines 19-39: the controller detects a specification, including the focal length f and distance d , is detected to determine the object size);

- a superimposing device (see figure 1, element 20 and 30) controlling to superimpose a frame indicating the detection area or divided area on an image sensed by the camera apparatus in accordance with the specification of the camera

apparatus (see column 9, line 21-40: the detection areas are shifted to superimpose the areas to create a combined image) referring to a storage device which stores information about each specification of a plurality of detection areas (see column 9, lines 39-45).

In regard to claim 44, Okauchi, US 5,907,353, discloses the camera control apparatus according to claim 33, further comprising outputting a command to shift the detection area and the position of the frame corresponding to the shifted detection area in response to user instructions (see column 9, lines 21-51).

In regard to claim 45, Okauchi, US 5,907,353, discloses the camera control apparatus of claim 33, further comprising displaying the image in which the frame is superimposed on the sensed image on a display (see column 6, lines 57-65).

In regard to claim 46, Okauchi, US 5,907,353, discloses the camera control apparatus of claim 33, wherein the parameter is used for automatically adjusting at least one of a focal point and an exposure based on the image signal of the detection area (see column 10, lines 24-46: the focal point changes with different divisions).

In regard to claim 47, Okauchi, US 5,907,353, discloses the camera control apparatus of claim 33, wherein said camera control apparatus has the storage device (see figure 1, element 32 and 40), and is connected to the camera apparatus (see figure 1, elements 22-25 and 34), via predetermined communication medium (see figure 1: data lines).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 48-57 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415.**

In regard to claim 48, Konishi et al., US 5,420,635, discloses an image sensing system, control method and recording medium storing program codes, comprising:

image sensor (see figure 5, element 14) for sensing an object and obtaining an image signal thereof;

detection area controller (see figure 5, element 20) for controlling a detection area (area of image that is overexposed or underexposed) in the image signal (see column 16, lines 34-51);

adjusting unit (see figure 5, element 10) for adjusting a camera parameter (exposure) based on an image signal of the detection area (see column 17, lines 21-39);

storage device (see figure 5, element 23) for storing a shape and size of the detection area (see column 18, lines 37-55);

display device for superimposing the detection area on an image obtained by said image sensing means after said adjusting means adjusts the camera

parameter, based on the position, shape and size of the detection area (see column 19, lines 19-21);

wherein the storage device respectfully stores shapes and size of detection areas corresponding to different specifications (see column 18, lines 37-55: storage device store information for detection areas for the specification for the bright portions and the detection areas for the specification for the dark portions) of the camera apparatus and said display device displays the detection area in accordance with a specification of the camera apparatus by referring to said storage device (see column 19, lines 19-21).

The Konishi reference does not disclose comprising a shift instructing unit for instructing said detection area control means to shift the detection area or a camera connected to a client device.

Ueno et al., US 5,625,415, discloses that it is well known in the art to shift a detection area to obtain a proper exposure of an image. The Ueno reference discloses an operation system with a camera (see figure 1, element 10) connect to a client device (see figure 1, elements 12-18) that allows a user to select an area of an image for which to obtain a proper exposure. The area indication (700) serves to designate an area for exposure calculation. The cursor processing unit (204) issues cursor information to the imaging system to designate where to perform exposure control (see column 8, lines 54-60). The ability to shift a designation area gives a user more image processing control by allowing the user to determine which areas to perform exposure for focus control on.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, to have a shift instructing unit for instructing said detection area control means to shift the detection area to have the camera connected to a client device, in order to correct and under or over exposed image to create a properly exposed image by remotely controlling the camera.

In regard to claim 49, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 48. The Konishi reference discloses wherein the camera apparatus comprises said image sensing device (see figure 5, element 14), said detection area controller (see figure 5, element 20) and said adjusting unit (see figure 5, element 10). The Ueno reference discloses wherein the client device comprises said shift instructing means (see figure 2, element 204), said storage device (see figure 1, element 14) and said display (see figure 1, element 16).

In regard to claim 50, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 48. The Ueno reference discloses wherein said adjusting unit includes focal point adjusting means (1700) for automatically adjusting a focal point based on the image signal of the detection area (see figures 16 and 17).

In regard to claim 51, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 50. The Konishi reference discloses wherein said adjusting means further comprises exposure adjusting means (see the nonlinear processing portion 64) for automatically adjusting an exposure

based on the image signal of the detection area (see column 24, line 36 to column 25, line 39).

In regard to claim 52, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system of claim 49 wherein the shift instructing unit outputs related to an amount of shift of the detection area to the camera apparatus (see column 8, line 1 to column 10, line 2: the when the user selects the cursor point, the shift instructing unit determining the amount of shift and outputs the information to the area processing unit that determines the measuring area the then sends the information to the photometric processing unit the determine camera parameters to sent the information to the client).

In regard to claim 53, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system of claim 49. The Ueno reference discloses wherein the shift instructing unit instructs to shift the detection area displayed on said display device (see column 8, lines 58-60).

In regard to claim 54, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system of claim 49. The Ueno reference discloses further comprising:

a position data output unit (see figure 2, element 204) for outputting position data of the detection area to said client device (see column 8, lines 54-60: the position data output unit (204) output the cursor position for the detecting area to the display proceeding unit to display on the client display); and

an image signal output unit for outputting an image signal sensed by said image sensor to said client device (see column 9, lines 4-10).

In regard to claim 55, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 54, wherein said camera apparatus further comprises a parameter output unit (see figure 2, element 218) for outputting current camera parameter data to said client device (see column 10, lines 57-67: the parameter output unit outputs a reduced size image parameter to the client display).

In regard to claim 56, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 55, wherein said display device displays the camera parameter data outputted by said parameter output unit (see column 10, lines 57-67: the parameter output unit outputs a reduced size image parameter to the client display).

In regard to claim 57, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 55. The Ueno reference discloses wherein the parameter data includes focused position (see figure 14, element 1500 and column 26, lines 60-67)

8. Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, and further in view of Suga et al., US 6,380,972.

In regard to claim 58, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, discloses the image sensing system according to claim 48. The Konishi and

Ueno references do not disclose wherein the camera apparatus in an electronic overhead projector (OHP) which senses an object placed on a platen.

Suga discloses a camera apparatus in an electronic overhead projector (OHP) which senses an object placed on a platen, wherein the image pickup operations are operated remotely on the client side (see figure 1 and abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, and further in view of Suga et al., US 6,380,972, to have the camera apparatus in an electronic overhead projector (OHP) which senses an object placed on a platen, in order to position the camera over the desired object to capture and allow the user to remotely control the camera parameters and movements to capture a high quality image with having to be in the location of the object.

In regard to claim 59, Konishi et al., US 5,420,635, in view of Ueno et al., US 5,625,415, and further in view of Suga et al., US 6,380,972, discloses the image sensing system according to claim 58. The Suga reference discloses wherein the object is three-dimensional (see figure 1, camera A-2 capturing a piece of cake).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,793,367, discloses a camera system that displays image data and camera control information.


US 6,266,085, discloses a camera connected to a client device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600